

DECLARATION AND POWER OF ATTORNEY
Original Application

As the below named inventor I declare that the information given herein is true, that I believe that I am the original, first and sole inventor of the invention entitled:

Heated Ear Guard

which is described and claimed in the attached specification;

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application in accordance with 37 CFR §1.56, and that no application for patent or inventor's certificate on this invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as identified below. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following agent to prosecute this application, and transact all matters before the United States Patent and Trademark Office: Richard W. Goldstein, 2071 Clove Road, Staten Island, NY 10304, Reg. No. 36,527

SEND CORRESPONDENCE TO:

Richard W. Goldstein
2071 Clove Road
Staten Island, NY 10304

DIRECT TELEPHONE CALLS TO:

(718) 727-9780

FULL NAME OF INVENTOR 1

LAST NAME: Tyler

FIRST NAME: Paul

CITY: Oakland

STATE: CA

COUNTRY OF CITIZENSHIP: USA

POST OFFICE ADDRESS: 11401 Golf Links Road

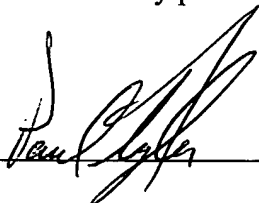
CITY: Oakland

STATE: CA

ZIP CODE: 94605

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:

A handwritten signature in black ink, appearing to read "Paul Elger", written over a horizontal line.

DATED:

9/18/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application for Patent of: Paul Tyler

Docket No. G747

Serial or Patent No.:

Filed or Issued: Herewith

For: Heated Ear Guard

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office with regard to the invention entitled as described in:

☒ the specification filed herewith.

☐ application serial no.

filed

☐ patent no.

issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below*

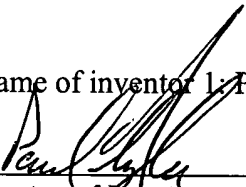
*NOTE:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of inventor 1: Paul Tyler


Signature of Inventor

Date: 9/18/03